

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF NEW YORK

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DAVID VIVENZIO,

Plaintiff,

Civil Action No. 5:05-CV-531

vs.

CITY OF SYRACUSE,

Defendant.

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APPEARANCES:

OF COUNSEL:

FOR PLAINTIFF:

AMDURSKY, PELKY LAW FIRM  
26 East Oneida Street  
Oswego, NY 13126

TIMOTHY J. FENNELL, ESQ.

FOR DEFENDANT:

CITY OF SYRACUSE  
CORPORATION COUNSEL  
233 East Washington Street  
Room 301 City Hall  
Syracuse, NY 13202

CATHERINE CARNRIKE, ESQ.

HANCOCK, ESTABROOK LAW FIRM     JOHN POWERS, ESQ.  
1500 AXA Tower I  
100 Madison Street  
Syracuse, NY 13221

DAVID N. HURD  
U.S. DISTRICT JUDGE

**JUDGMENT DISMISSING ACTION  
BASED UPON SETTLEMENT**

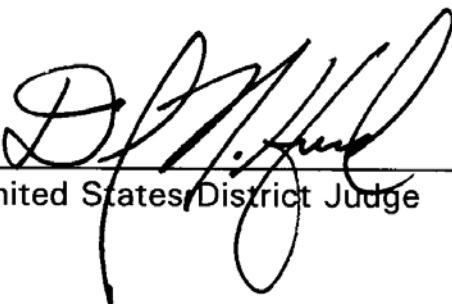
The parties have entered into an agreement in settlement of all claims in this action, and that they reasonably anticipate finalizing their agreement shortly, following which this action will be discontinued, with prejudice, by stipulation pursuant to Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure. Based upon this development, I find that it is not necessary for this action to remain on the court's active docket.

It is therefore hereby

ORDERED, as follows:

- 1) This action is dismissed, with prejudice, except as set forth below.
- 2) The court will retain complete jurisdiction to vacate this order and to reopen the action within three months from the date of this order upon cause shown that the settlement has not been completed and further litigation is necessary.
- 3) The Clerk shall forthwith serve copies of this judgment upon the parties and/or their attorneys appearing in this action by electronic means.

Dated: July 3, 2012  
Utica, New York



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United States District Judge